

APPEAL NO. 040509
FILED APRIL 19, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 10, 2004. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury of _____, includes an injury to her low back and right shoulder; that the temporary income benefits rate during the period from April 1, 2003, through the date of the CCH is \$536.00; and that the Texas Workers' Compensation Commission did not abuse its discretion in appointing Dr. H as the third designated doctor. The appellant (carrier) appeals the hearing officer's determinations on all of the disputed issues, contending that they are not supported by sufficient evidence. The claimant asserts that the evidence supports the hearing officer's determinations.

DECISION

Affirmed.

Conflicting evidence was presented on the appealed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **ADVANTAGE WORKERS' COMPENSATION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Veronica L. Ruberto
Appeals Judge